Guru

MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard • Baltimore MD 21230
MDE 410-537-3000 • 1-800-633-6101

March 25, 2010

Mr. Michael P. Bonk, Deputy Director
Anne Arundel County Department of Public Works
Bureau of Utility Operations
Heritage Office Complex, MS-7409
2662 Riva Road
Annapolis MD 21401- 7374

RE: Cox Creek Water Reclamation Facility (WRF), Discharge Permit No. 07-DP-0698

Dear Mr. Bonk:

This is in reference to the discharge permit issued on January 1, 2010 for Cox Creek WRF. After issuance of this permit, our Compliance Program had advised us to revise designators for all three outfalls to meet specifications for EPA's ICIS database to generate the ***Preprint Discharge Monitoring Reports (DMRs)***. As per their suggestion, we are changing the outfalls' designators as follows:

Current Designator	Revised Designator	Revised Pages
Sampling location 001	Sampling Location 001-A	4, 7, 8, 9
Outfall 001A (Patapsco River)	Outfall 001-B (Patapsco River)	1, 4, 7, 8
Outfall 001B (Interface Connector)	Outfall 001-C (Interface Connector)	1, 4, 7, 8

We have revised pages of the discharge permit as appropriate to incorporate changes indicated above. Attached please find these pages substituting the same pages of the discharge permit in effect. All other terms and conditions shall remain the same as of the discharge permit in effect.

Should you have any questions in this matter, please feel free to contact me at (410) 537-3672 or Gurusharan C. Pancholi at (410) 537-3673.

Sincerely,

Stephen Luckman, Chief
Municipal Surface Discharge Permits Division

Enclosure

cc: Mr. Kerry Topovski, Director, Environmental Health, Anne Arundel County Health Department
Mr. Tom Boone
Ms. Kim Harmon
Mr. Bill Lee
Mr. Richard Eskin
Mr. Dennis Rasmussen

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Deputy Secretary

DEC 17 2009

CERTIFIED MAIL

Mr. Michael P. Bonk, P.E., Deputy Director
Anne Arundel County Department of Public Works
Heritage Office Complex, MS-7409
2662 Riva Road
Annapolis, MD 21401

RE: Discharge Permit for Cox Creek Water Reclamation Facility (WRF)
State Discharge Permit 07-DP-0698, NPDES Permit MD0021

Dear Mr. Bonk:

Enclosed is the above discharge permit with the effective date indicated on the cover page. The permittee is responsible for complying with all permit conditions. You are therefore advised to read the permit carefully and become thoroughly familiar with the requirements in order to maintain compliance with the permit.

The Enhanced Nutrient Removal (ENR) upgrade schedule listed in the permit includes deadlines for the construction completion and the corresponding effective date of the nutrients limits. As per the agreement between the County and the Constellation Brandon Shore Power Plant, the discharge permit includes clauses to allow a portion of the treated effluent to be sent to the Constellation Brandon Shore Power Plant.

As a recent Maryland Department of the Environment permit recipient, we would like to hear from you about how we are doing and how we can improve. We would appreciate it if you can take a moment and complete the enclosed Permitting Customer Survey form. You may also submit this survey online from our website (http://www.mde.state.md.us/Surveys/cs_survey.asp).

Also enclosed are Discharge Monitoring Report Forms (EPA No. 3320-1), which must be completed for each reporting period and submitted to the Department in accordance with the requirements of the permit. Please direct all future correspondence regarding permit compliance,

unless directed otherwise by the discharge permit, to the following address:

Attention: Discharge Monitoring Reports
WMA - Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, STE 425
Baltimore, MD 21230-1708

You will also find enclosed a copy of the Code of Federal Regulations, Part 136 - "Guidelines Establishing Test Procedures for Analysis of Pollutants". The most current version of 40 C.F.R. Part 136 can be found online at EPA's website. The link is (http://www.epa.gov/regulations/search/40cfr.html). Unless otherwise specified, these guidelines are to be used for the analyses required by this permit.

In addition, we have also enclosed a copy of the table of the Minimum Monitoring Requirements, a copy of MDE's Water Management Administration Toxic Pollutant Analytical Protocol and Reporting Requirements for Toxic Chemical Testing Analytical Data, a copy of Effluent Biotoxicity Testing Protocol for Industrial and Municipal Effluents, and a copy of the WWTP Effluent Toxic Chemical Monitoring Data Transmittal Cover Sheet.

If you have any questions, please contact Gurusharan C. Pancholi, Project Manager, Surface Discharge Permits Division, at (410) 537-3673.

Sincerely,

Jay G. Sakai, Director
Water Management Administration

Enclosures

cc: Mr. Kerry Topovski, Director, Environmental Health, Anne Arundel County Health Department
Mr. Tom Boone
Ms. Kim Harmon
Mr. Bill Lee
Mr. Richard Eskin
Mr. Dennis Rasmussen

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DISCHARGE PERMIT

NPDES Discharge Permit Number:	**MD0021661**
State Discharge Permit Number:	**07-DP-0698**
Effective Date:	**01/01/2010**
Expiration Date:	**12/31/2014**
Modification Date:	**(Not applicable)**
Reapplication Due Date:	**01/01/2014**

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq., and implementing regulations 40 CFR Parts 122, 123, 124 and 125, the Department of the Environment hereby establishes conditions and requirements pertinent to the wastewater treatment plant and collection system and authorizes:

Anne Arundel County Department of Public Works
Bureau of Utility Operations
Heritage Office Complex, MS-7409
2662 Riva Road
Annapolis, Maryland 21401-7374

TO DISCHARGE FROM: Cox Creek Water Reclamation Facility (WRF)

LOCATED AT: 8833 Wagner Station Road
Curtis Bay, Anne Arundel County, Maryland 21226

THROUGH OUTFALLS: 001-B and 001-C (Facility Effluent)

TO: the Patapsco River (at discharge point 001-B) designated as Use II (tidal) water protected for estuarine and marine aquatic life, and to the Constellation Brandon Shore Power Plant at discharge location 001-C (Connection Interface, see definition I.H); in accordance with the following special and general conditions and a map incorporated herein and made a part hereof.

I. DEFINITIONS

A. "Bypass" means the intentional diversion of pollutants from any portion of a treatment or collection facility.

B. "BOD_5 (Biochemical Oxygen Demand)" means the amount of oxygen consumed in a standard BOD_5 test without the use of a nitrification inhibitor at 20 degree centigrade on an unfiltered sample.

C. "Clean Water Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251 et seq.

D. "CFR" means the Code of Federal Regulations.

E. "COMAR" means the Code of Maryland Regulations.

F. "Composite sample" means a combination of individual samples obtained at hourly or smaller intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.

G. "Connection Interface" means a point where the Cox Creek WRF's effluent delivery pipe connects with the effluent supply facilities at the Constellation Brandon Shores Power Plant. It is owned by Constellation Power Source Generation, Inc., and located at the property line between the Cox Creek WRF and the Power Plant.

H. "Department" means the Maryland Department of the Environment (MDE).

I. "Grab sample" means an individual sample collected in less than 15 minutes.

J. "Measured flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

K. "Minimum or maximum value" means the lowest or highest value measured.

L. "Monthly average discharge" means the total mass (and concentration, if appropriate) of all daily discharges sampled and/or measured during a calendar month divided by the number of daily discharges sampled and/or measured during such month.

M. "Monthly average flow" means the total flow for a calendar month divided by the number of days in the same month.

N. "Monthly log mean (Monthly geometric mean)" means the logarithmic or geometric mean of all samples taken in the calendar month. The geometric mean is the antilogarithm of the mean of the logarithms.

O. "Nondetectable Level" for total residual chlorine means a residual concentration of less than 0.10 mg/l as determined using either the DPD titrimetric or chlorimetric method or an alternative method approved by the Department.

P. "NPDES (National Pollutant Discharge Elimination System)" means the national system for issuing permits as designated by the Clean Water Act.

I. DEFINITIONS

Q. "Outfall" means a location in the conduit where effluent leaves the Cox Creek WRF's property line and is discharged either into the other effluent delivery system or to waters of the State.

R. "Overflow" means any loss of wastewater or discharge from a sanitary sewer system, combined sewer system or wastewater treatment plant bypass (as defined in I.A) which results in the direct or potential discharge of raw, partially treated wastewater into the waters of the State.

S. "Permittee" means an individual or organization holding the discharge permit issued by the Department.

T. "POTW" means a publicly owned treatment works.

U. "Significant Industrial User (SIU)" is defined as any industrial user (IU) that:

1. is subject to national categorical standards; and

2. any other IU that:

a. discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater); or

b. contributes a process wastestream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or

c. is designated as such by the POTW on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or

d. is found by the POTW, the Department, or the Environmental Protection Agency (EPA) to have significant impact either individually or in combination with other contributing industries to the POTW, on the quality of the sludge, the POTW's effluent quality, or air emissions generated by the system.

V. "TKN (Total Kjeldahl Nitrogen)" means organic nitrogen plus ammonia nitrogen.

W. "TSS (Total Suspended Solids)" means the residue retained on the filter by an analysis done in accordance with Standard Methods or other approved methods.

X. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Y. "Weekly average" means the highest weekly average of the month, calculated by dividing the total mass (and concentration, if appropriate) for each week by the number of samples collected and measured that week.

II. SPECIAL CONDITIONS

A. Effluent Limitations at Sampling Location 001-A [1] [2] [10]

The permittee is allowed to discharge treated wastewater from the Cox Creek WRF (via sampling location 001-A) at the discharge locations 001-B (to the Patapsco River) and 001-C (to Brandon Shores Station). The permittee shall meet the effluent limitations at the sampling location 001-A (Final Effluent Collection Chamber, prior to the Flow Splitter Box). The effluent quality discharged from this point shall be limited at all times as shown below:

	Maximum Effluent Limits					
Effluent Characteristics	**Monthly Average Loading Rate, Pounds/day**	**Weekly Average Loading Rate, Pounds/day**	**Daily Average Loading Rate, Pounds/day**	**Monthly Average Concentration, mg/l**	**Weekly Average Concentration, mg/l**	**Daily Average Concentration, mg/l**
BOD_5	3,755	5,633	N/A	30	45	N/A
TSS	3,755	5,633	N/A	30	45	N/A
Total Ammonia Nitrogen as N (5/1 to 10/31) [13]	538	N/A	1,752	4.3	N/A	14.0
Total Phosphorus (TP) -P [3]	250	375	N/A	2.0	3.0	N/A

	Maximum Effluent Limits				
Effluent Characteristics	**Total Monthly Loading Rate, Pounds/Month**	**Annual Maximum Loading Rate, Pounds/Year**	**Growing Season (5/1 to 10/31) Maximum Loading Rate, Pounds/ Growing Season**	**Annual Average Concentration, mg/l**	**Growing Season (5/1 to 10/31) Average Concentration, mg/l**
Total Phosphorus (TP) -P [4][5][6][7][8][9][14]	REPORT	13,705	6,852	0.3	0.3
Total Nitrogen (TN) -N [4][5][6][7][8][9][14]	REPORT	182,734	68,484	4.0	3.0

	Effluent Limits	
Effluent Characteristics	**Maximum**	**Minimum**
Fecal Coliform [11]	200 MPN/100 ml monthly log mean value	N/A
Enterococci [11]	35 MPN/100 ml monthly geometric mean value	N/A
Total Residual Chlorine [12]	0.039 mg/l	N/A
pH [13]	8.5 [13]	6.5
Dissolved Oxygen	N/A N/A	5.0 mg/l at anytime year-round, and 6.0 mg/l weekly average (2/1 to 5/31)

An annual average flow of **15.00** million gallons per day (mgd) was used in waste allocation calculations. The unit (mgd) shall be used on the Discharge Monitoring Report (EPA Form 3320-1, Rev. 01/06). It is a sum of the annual average flows discharged at the discharge point locations 001-B and 001-C. Notification is to be provided to the Department at least 180 days before the annual average flow is expected to exceed this flow level. If a permit modification is required, the Department will initiate the public participation NPDES process.

II. SPECIAL CONDITIONS

A. Effluent Limitations, continued

Footnotes for Special Condition II.A (Effluent Limitations):

(1) When this permit is renewed, the new limitations may not be equal to the above limitations. There shall be no discharge of floating solids or visible foam other than trace amounts.

(2) The permit may also be reopened in accordance with the requirements of MDE's Watershed Permitting Plan under which all discharge permits in a watershed are issued the same year.

(3) The monthly and weekly Total Phosphorus limits remain in effect until **04/30/2016**.

(4) The Patapsco River in Baltimore Harbor watershed (02-13-09-03) is on the 303(d) list of the impaired waters for nutrients, metals, toxics and biological. Total Maximum Daily Load (TMDL) for nutrients, approved by the EPA on **12/17/2007**, allocated annual and growing seasonal limits of total nitrogen and total phosphorus for this facility; and these parameters' limits set in the permit are in conformance with this TMDL.

(5) The Enhanced Nutrient Removal (ENR) upgrade to meet the nutrients TMDL limits shall be completed according the following schedule:

- Start Design (Phase II) - 10/31/2009
- Start Construction (Phase I) - 12/31/2009
  Start Construction (Phase II) - 01//31/2012
- Complete construction (Phase I) - 12/31/2011
  Complete Construction (Phase II) - 04/30/2015

Until completion of the ENR upgrade at the Cox Creek WRF, the permittee shall operate the existing Biological Nutrient Removal (BNR) process on a year-round basis and undertake best efforts, by optimizing the nutrients removal capability of the BNR facilities, toward minimizing TN and TP loads. Total Nitrogen is the sum of ammonia-N, organic-N and (nitrite + nitrate)-N based on samples collected on the same day.

This permit shall not be revoked for renewal until completion of the above required facility's upgrade schedule unless any remaining milestones and limitation effective dates have been incorporated into a renewal permit.

(6) The growing seasonal loading rate limits, the growing seasonal concentration limits and annual maximum loading rate limits for TN and TP shall become effective from **05/01/2016**. The annual maximum loading cap for the year **2016** shall be prorated on the **eight** months from May through December, and shall be **123,833** pounds for TN and **9,137** pounds for TP. The first exceedance of the permit limit shall be counted and reported as daily exceedances beginning from the first exceedance, determined to the nearest day, through December 31. In addition, after any such exceedance, the permittee shall demonstrate to the Department's satisfaction that the facility is optimizing its nutrient removal capability, and neither the arrival of the next calendar year nor the issuance of a permit renewal during a period of noncompliance shall obviate continuance of any noncompliance status related to treatment optimization requirements.

(7) Total monthly loading rate (in pounds/month) for nutrients is a calculated parameter to be reported for each calendar month. It is equal to {(monthly average concentration, mg/l) x (total flow in a calendar month, Million Gallons) x 8.34}.

II. SPECIAL CONDITIONS

A. Effluent Limitations, continued

Footnotes for Special Condition II.A (Effluent Limitations), Continued:

(8) The Annual Maximum Loading Rate (in pounds/year) for nutrients is a calculated parameter to be reported monthly as the sum of the Total Monthly Loading Rates from January through December of the current calendar year. At the end of each calendar year, beginning 01/01/2017, the permittee shall calculate, report and comply with the *concentration-based* Annual Maximum Loading Rate limitation(s) defined below or the *Tributary Strategy-based* loading rate limitation in the above table, whichever is lower:

(a) TN Limitation (lbs/year): 4.0 mg/l x annual total flow (calendar year based in million gallons per year) x 8.34. To the extent that the permittee alleges that temperature levels of 12 degrees C or lower have diminished the treatment system's capability of complying with this *concentration-based* loading rate limitation for Total Nitrogen, the permittee shall provide notification beginning with the calendar year report under the "Upset" provision in Section III.B.6 of this permit. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

(b) TP Limitation (lbs/year): 0.30 mg/l x annual total flow (calendar year based in million gallons per year) x 8.34.

The details and results of all required annual calculations shall be submitted to the Department with the Discharge Monitoring Report for December.

The *concentration-based* loading requirements may be revised if the limits or schedule are determined to be impracticable based on actual performance and the Department re-opens the permit as a major modification (which requires public participation) to impose (an) alternate effluent limitation(s) or revised schedule.

(9) The Cox Creek WRF will not be eligible for nutrient trading until the ENR facilities are fully functional. In future, the permittee may request that the permit be reopened and modified to include nutrient trading consistent with the most current "Maryland Policy for Nutrient Cap Management and Trading in Maryland's Chesapeake Bay Watershed" in effect at that time.

(10) When TMDLs for other remaining parameters are completed affecting this facility, limits may be imposed, after the public participation process, to incorporate any TMDL requirements.

(11) The fecal coliform limit shall be in effect until the Enterococci limit becomes effective. The Enterococci limit shall take effect one year after the issuance date of the permit. However, the permittee may request in writing that the Enterococci limitation become effective sooner.

(12) The wastewater shall be dechlorinated to reduce effluent total residual chlorine concentration to the non-detectable level (of less than 0.1 mg/l). The minimum detection level (quantification level) for total residual chlorine is 0.10 mg/l. The permittee may report all results below the minimum detection level as less than 0.10 mg/l. All results reported below the minimum detection level shall be considered in compliance.

(13) As the Ammonia limits are the effluent pH dependent, the permittee shall make every effort to continue maintaining the effluent pH levels not exceeding 7.4.

(14) In future, if a watershed nutrient discharge permit for Patapsco/Lower Western Shore with inclusion of the Cox Creek WRF is issued to the Anne Arundel County Department of Public Works, the Cox Creek WRF may trade nutrient loading credits to the other facilities in the watershed permit as long as the trade of nutrient credits does not cause a violation of any TMDL or contribute to cause of any local water quality impairment.

II. SPECIAL CONDITIONS

B. Minimum Monitoring Requirements:

The effluent characteristics listed below, shall be monitored at sampling location 001-A, except as noted for the discharge locations 001-B and 001-C:

Effluent Characteristics[1]	Measurement Frequency	Sample Type
BOD_5 [2] [4]	Five per week [2]	24 hour composite
Total Suspended Solids [2] [4]	Five per week [2]	24 hour composite
Total Ammonia Nitrogen as N [2]	Five per week [2]	24 hour composite
Total Phosphorus as P [2] [4]	Five per week [2]	24 hour composite
Total Nitrogen as N [2] [4]	Two per month (Until 04/30/2016), Five per week [2] (Beginning 05/01/2016)	24 hour composite 24 hour composite
(Nitrite + Nitrate) as N [2] [3]	Two per month (Until 04/30/2016), Five per week [2] (Beginning 05/01/2016)	24 hour composite 24 hour composite
Organic Nitrogen as N [2] [3]	Two per month (Until 04/30/2016), Five per week [2] (Beginning 05/01/2016)	24 hour composite 24 hour composite
Orthophosphate as P [2] [3]	Two per month (Until 04/30/2016), Five per week [2] (Beginning 05/01/2016)	24 hour composite 24 hour composite
Fecal Coliform [5]	Three per week	Grab
Enterococci [5]	Three per week	Grab
Total Residual Chlorine [6]	Three per day, and one per shift [7]	Grab
Dissolved Oxygen	Three per day, and one per shift [7]	Grab
pH	Three per day, and one per shift [7]	Grab
Flow at 001-A [8] [9]	Daily	Calculated [9]
Flow at 001-B [8] [10]	Daily	Calculated [10]
Flow at 001-C [8]	Continuous	Recorded [11]

[1] "STORET" (short for STOrage and RETrieval) is a widely-used repository for water quality data reporting and monitoring. The corresponding STORET codes for the effluent characteristics specified in Special Conditions II.A and II.B are: BOD5 (00310), Total Suspended Solids (00530), Total Ammonia Nitrogen as N (00610), Total Phosphorus as P (00665), Total Nitrogen as N (00600), (Nitrite + Nitrate) as N (00630), Organic Nitrogen as N (00605), Orthophosphate as P (70507), Fecal Coliform (74055), Enterococci (61211), Total Residual Chlorine (50060), Dissolved Oxygen (00300), pH (00400), Flow (50050) and Temperature (00011).

[2] The monitoring frequency of the parameter shall be once per day for seven consecutive days in a calendar month, plus five days per week for the remainder of the same month.

II. SPECIAL CONDITIONS

B. Minimum Monitoring Requirements, Continued:

Footnotes for the monitoring requirements, continued:

(3) Monitor only parameters shall be reported on the monthly operating report as individual results and on the Discharge Monitoring Report (EPA Form 3320-1) as a monthly average concentration and monthly average loading values.

(4) (a) The cumulative TN and TP loads for the *Growing Season* and for the entire *calendar year* are calculated by summing the monthly loading values for each month in the *Growing Season* and in that *calendar year*, respectively. In addition to reporting the nutrients monthly loads on each monthly Discharge Monitoring Report, the permittee shall also report the cumulative TN and TP loads for the *Growing Season* and for the entire *calendar year* on the Discharge Monitoring Reports which are ending on October 31st and December 31st, respectively. The TN and TP concentrations will be reported as a monthly average on each monthly Discharge Monitoring Report; and as *Growing Seasonal Average* and *Annual Average* on the Discharge Monitoring Reports which are ending on October 31st and December 31st, respectively. Total nitrogen is the sum of Total Ammonia- N, Organic-N and (nitrite + nitrate)-N. All nitrogen parameters shall be measured on the same daily samples.

(b) In addition to reporting nutrient loads for flow going through sampling location 001-A, the permittee shall also report TN and TP loadings for the effluent discharged at outfall location 001-B in the same way as elaborated above in the footnote 4(a). BOD_5, Total Suspended Solids, TN and TP loads at 001-B shall be calculated using the calculated discharge flow at the discharge location 001-B and respective parameters' monthly average concentrations measured at sampling location 001-A. The calculated BOD_5, Total Suspended Solids, TN and TP loads for the discharge location 001-A are for reporting purpose only, and are not the effluent limitations.

(5) The fecal coliform monitoring shall be in effect until the E. coli limit becomes effective. Thereafter, E. coli monitoring requirement shall be in effect.

(6) The minimum detection level (quantification level) for total residual chlorine is 0.10 mg/l. The permittee may report all results below the minimum level as <0.10 mg/l. All results reported below the minimum level shall be considered in compliance

(7) If the facility is manned for less than three shifts in a day, the monitoring shall be evenly distributed at the beginning, middle and end of the working shift(s) of the day.

(8) Flows shall be reported to at least the nearest 10,000 gallons. For each calendar month, they shall be reported as follows: (a) On the ***Monthly Operating Reports***, the permittee shall report the following three flows: (1) actual daily flow (in Million Gallons (MG)), (2) total monthly flow (in MG) and (3) monthly average flow (in mgd); and (b) On the ***Discharge Monitoring Reports(EPA Form 3320-1, Rev. 01/06)***, the permittee shall report flows in mgd as the monthly average and daily maximum. (Example: A flow of 1,570,899 gallons per day shall be reported as 1.57 mgd.)

(9) The permittee shall continuously record (11) wastewater flows upstream of the chlorine contact tanks as well as the non-potable water withdrawal after chlorine contact tanks. Effluent discharge flow at sampling location 001-A shall be calculated on a ***daily basis in MG*** by subtracting total non-potable water flow from wastewater flow upstream of the chlorine contact tanks measured on the same day.

(10) The discharge flows at discharge point 001-B shall be calculated ***daily in MG*** by subtracting the daily flow measured at discharge point 001-C from the daily flow calculated at sampling location 001-A on the same day.

(11) Continuous electronic flow measurement and recording which can produce a permanent record are acceptable to the Department.

II. SPECIAL CONDITIONS

C. Capacity Management Plan

The permittee shall report the total cumulative flow measured at the sampling location 001-A, as defined on the cover page, for the each calendar year for the above referenced facility. The total cumulative flow should be reported in million gallons for the entire calendar year to the nearest thousand gallons. The annual total cumulative flow determination shall be provided to the Department by January 28 of the following year to the address below:

Attention: Calendar Year Total Cumulative Flow
WMA – Wastewater Discharge Permits Program
Maryland Department of the Environment
1800 Washington Boulevard, STE-455
Baltimore, MD 21230-1708

A Wastewater Capacity Management Plan must be submitted by January 28 of each calendar year if the most recent three year average flow is over 80% of its design capacity or if it is anticipated to exceed 80 % in the following year. (The Department has published a "Wastewater Capacity Management Plans" guidance document, which can be found on the Department's web site as indicated below):

http://www.mde.state.md.us/assets/document/water/WastewaterCapacityMgmtGuidance.pdf.

D. Biomonitoring Program

1. Within three months of the effective date of the permit, the permittee shall submit to the Department for approval a study plan to evaluate wastewater toxicity at sampling location 001-A by using biomonitoring. The study plan should include a discussion of:

   a. wastewater and production variability

   b. sampling & sample handling

   c. source & age of test organisms

   d. source of dilution water

   e. testing procedures/experimental design

   f. data analysis

   g. quality control/quality assurance

II. SPECIAL CONDITIONS

h. report preparation

i. testing schedule

2. The testing program shall consist of definitive testing for four quarters. Three of the quarters shall have acute testing and one of the quarters shall have chronic testing. The first two testing events shall be conducted once per quarter during the first two quarters after approval of the study plan. One of these first two quarters shall include the chronic tests. This testing shall be initiated no later than three months following the Department's acceptance of the study plan. The remaining two quarterly testing events shall be conducted during the last two quarters of the fourth year of the Permit.

   a. The acute testing shall consist of 48-hour static renewal tests using fathead minnow and the 48-hour static renewal tests using a daphnid.

   b. The chronic testing shall include the Ceriodaphnia survival and reproduction test and the fathead minnow larval survival and growth test.

   c. If the receiving water is estuarine, the permittee may elect to substitute estuarine species for those species specified above. Approved estuarine species for acute testing are sheepshead minnows, silversides, grass shrimp, and mysid shrimp. Approved estuarine species for chronic testing are sheepshead minnow, inland silverside, and mysid shrimp. In all cases, testing must include one vertebrate species and one invertebrate species.

   d. Acute test results shall be expressed as LC_{50}. Chronic test results shall be expressed as NOEC, LOEC, ChV, and IC_{25}.

3. The samples used for biomonitoring shall be collected at the same time and location as the samples analyzed for the effluent limitations and monitoring requirements for this outfall. For chlorinated effluents, samples shall be collected after dechlorination. The permittee shall collect 24-hour flow–proportioned composite samples unless the Department has given prior approval of an alternative sampling type.

4. The following EPA documents discuss the appropriate methods:

   a. Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, EPA-821-R-02-012, October 2002

II. SPECIAL CONDITIONS

b. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms Third Edition, EPA-821-R-02-014, October 2002

c. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms Fourth Edition, EPA-821-R-02-013, October, 2002

5. Test results shall be submitted to the Department within one month of completion of each set of tests.

6. Test results shall be reported in accordance with MDE/WMA "Reporting Requirements for Effluent Biomonitoring Data," 3/21/03.

7. As a minimum, the reported chronic results shall be expressed as NOEC, LOEC, ChV, and IC_{25}.

8. If a 50% mortality or greater occurs in one or more effluent concentrations during the first 48 hours of the chronic tests, 48-hour LC50s shall be calculated and reported along with the chronic results

9. If testing is not performed in accordance with MDE-approved study plan, additional testing may be required by the Department.

10. If the test results of any two consecutive valid toxicity tests conducted within any 12-month period show acute or chronic toxicity (LC50 equal to or less than 100% for acute tests and an IC25 less than the in-stream waste concentration for chronic tests), the permittee shall repeat the test within 30 days to confirm the findings of acute or chronic toxicity. If acute and/or chronic toxicity is confirmed, the permittee shall:

a. Eliminate the source of toxicity through operational changes as soon as possible but in any case not longer than within three months, or

b. Perform a TRE. If the permittee repeats the toxicity testing as stated above and the results of the repeat test do not confirm the acute or chronic toxicity, the Department will require the permittee to repeat the toxicity testing as stated above to reconfirm a finding of no acute or chronic toxicity. After reconfirmation, the permittee shall complete any remaining quarterly testing required.

11. If plant processes or operations change so that there is a significant change in the nature of the wastewater, the Department may require the permittee to conduct a new set of tests.

II. SPECIAL CONDITIONS

12. If a significant industrial user locates within the service area so that significant change in the nature of the wastewater might be anticipated, MDE may require the permittee to conduct a new set of tests.

13. Submit all Biomonitoring related materials to:

Maryland Department of the Environment
Water Management Administration
Compliance Program
1800 Washington Blvd., Suite 420
Baltimore, MD 21230-1708

F. Toxicity Chemical Testing

1. Concurrent with the biomonitoring study plan, the permittee shall submit to the Department for approval, a study plan to perform three sets of analytical testing for toxic chemicals.

2. The toxic chemical testing study plan shall include a description of:

   a. sampling methods;

   b. analytical methods;

   c. practical detection levels; and

   d. quality control procedures.

3. Concurrently with the first biomonitoring toxicity test and with the last two biomonitoring toxicity tests during the fourth year of the discharge permit, the permittee shall perform analytical testing for the toxic chemicals identified in the Department's "Toxic Pollutant Analytical Protocol and Reporting Requirements for Toxic Chemical Testing Analytical Data"(7/07).

4. Toxic chemical testing shall be performed in accordance with 40 CFR Part 136 and the Department-approved toxic chemical testing plan. Grab samples must be used for cyanide, phenols, and volatile organic compounds. All other pollutants shall be collected using 24-hour flow–proportioned composite samples unless the Department has given prior approval of an alternative sampling type.

5. Substances other than those identified in Section 3 above may be detected in the effluent. If so, the permittee shall identify and quantify the ten present in highest concentration for those compounds for which standards are available.

II. SPECIAL CONDITIONS

6. Testing results shall be submitted to the Department with the results of the first toxicity test.

7. Toxic chemical testing results shall be reported in accordance with the Department's "Toxic Pollutant Analytical Protocol and Reporting Requirements for Toxic Chemical Testing Analytical Data"(7/07).

8. If testing is not performed in accordance with the Department's approved study plan, additional testing may be required by the Department.

9. Submit all toxic chemical testing related materials to:

Attention: Toxic Chemical Data
Maryland Department of the Environment
Water Management Administration
Compliance Program
Montgomery Park Business Center
1800 Washington Boulevard, STE 420
Baltimore, MD. 21230-1708

G. Pretreatment Program

The permittee shall operate and maintain the pretreatment program in accordance with COMAR 26.08.08, the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR Part 403) and the approved pretreatment program submission as approved on **11/30/1985** by the Department. The program must be updated if needed to comply with COMAR 26.08.08 or 40 CFR Part 403 or modifications to the State of Maryland Publicly Owned Treatment Works (POTW) Pretreatment Delegation Agreement signed on **04/21/1986** and as amended on **08/08/2001**. The terms of the POTW Pretreatment Delegation Agreement are expressly incorporated herein as if set forth in full.

H. Protection Of Water Quality

It is a violation of this permit to discharge any substance not otherwise listed under the permit's "Effluent Limitations and Monitoring Requirements" special conditions at a level which would cause or contribute to any exceedance of the numerical water quality standards in COMAR 26.08.02.03 unless the level and the substance were disclosed in writing in the permit application prior to the issuance of the permit. If a discharge regulated by this permit causes or contributes to an exceedance of the water quality standards in COMAR 26.08.02.03, including but not limited to the general water quality standards, the Department is authorized to exercise its powers to modify, suspend or revoke this permit.

II. SPECIAL CONDITIONS

I. Reapplication for a Permit

No later than 12 months before expiration date of this permit, unless permission for a later date has been granted by the Department, the permittee shall submit a new application for a permit or notify the Department of the intent to cease discharging by the expiration date. In the event that a timely and complete reapplication has been submitted and the Department is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit continue and remain fully effective and enforceable. The renewal application is required by that date in accordance with the requirements of MDE's Watershed Permitting Plan under which all discharge permits in a watershed should be issued in the same year.

J. Permit Reopener for Wastewater Supply To Constellation Brandon Shores Station Power Plant

This permit may be reopened as a major modification to ensure consistency with the discharge permit, 05-DP-0194A (NPDES MD0001503), issued to the Fort Smallwood Complex, including the H.A. Wagner and Brandon Shores Steam Electric Power.

III. GENERAL CONDITIONS

A. Monitoring and Reporting

1. Representative Sampling

Samples and measurements shall be taken at times that are representative of the quantity and quality of the discharge, and at evenly spaced intervals.

2. Monthly Monitoring Results

a. Discharge Monitoring Reports

Monitoring results obtained each month shall be summarized on a Discharge Monitoring Report form (EPA No. 3320-1). The permittee shall submit the Discharge Monitoring Reports to the Department postmarked no later than the 28th of the month following the reporting month. A signed original plus a copy of these reports shall be submitted to:

Attention: Discharge Monitoring Reports
WMA - Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, STE-425
Baltimore, MD 21230-1708

A signed copy of these reports shall also be sent to:

U.S. Environmental Protection Agency, Region III
NPDES Enforcement Branch (3WP42)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

b. Monthly Operating Reports

The permittee shall submit monthly operating reports on a form supplied or approved by the Compliance Program. A signed original plus a copy of these reports shall be submitted to the Compliance Program postmarked no later than the 28th day of the month following the reporting month.

c. Toxic Chemical Reporting

Any data collected according to MDE’s Water Management Administration "Toxic Pollutant Analytical Protocol and Reporting Requirements for Toxic Chemical Testing Analytical Data" being

III. GENERAL CONDITIONS

submitted to the Department, either in fulfillment of Special Conditions II.B or pursuant to the toxic chemical testing requirement, pretreatment requirements or toxic metals or organic data collected on a voluntary basis, must be accompanied by laboratory data reports. At a minimum, these reports shall include, the name of the facility, the date(s) of sampling, beginning and ending sample time, place of sampling collection, the sample type (grab, composite, etc.), the sample description (influent or effluent), the preservation method, the analytical method used for each parameter, the analytical method detection limit, the date of analysis, the name of person performing the analysis, the analytical result, and the name and address of the laboratory performing the analyses. Chain-of-custody forms shall also be submitted. This information, along with the supporting documentation, shall be submitted to:

Attention: Toxic Chemical Data
WMA – Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard, STE 420
Baltimore, Maryland 21230-1708

3. Sampling and Analysis Methods

Analytical and sampling methods shall conform to test procedures for the analysis of pollutants as identified in 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants."

4. Monitoring Equipment Maintenance

a. The permittee shall calibrate and maintain all monitoring and analytical instrumentation to ensure accuracy of measurements.

b. Environment Article, Section 9-343 provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of the permit, the permittee shall record the following information:

III. GENERAL CONDITIONS

a. the date, exact place and time of sampling or measurement;

b. the person(s) who performed the sampling or measurement;

c. the dates analyses were performed;

d. the person(s) who performed each analysis;

e. the analytical techniques or methods used; and

f. the results of such analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report form (EPA No. 3320-1). The increased frequency shall also be reported. The results of any other monitoring performed by the permittee shall be made available to the Department upon request.

7. Record Retention

All data used to complete the permit application and all records and information resulting from the monitoring activities required by this permit, including all records of sampling and analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instruments, shall be retained for a minimum of three years. This period shall be extended automatically during the course of litigation or when requested by the Department.

B. General Requirements

1. Permit Noncompliance - Notification Requirements

All discharges authorized herein shall be consistent with the terms and conditions of this permit. If, for any reason, the permittee does not comply with or will be unable to comply with any permit condition, the permittee shall, within 24 hours, notify the Department by telephone at (410) 537-3510 during work hours or at (866) 633-4686 during evenings, weekends, and holidays. The permittee shall provide the Department with the following information in writing within five days of such oral notification.

III. GENERAL CONDITIONS

a. a description of the noncomplying discharge including the name of the stream and the impact upon the receiving waters;

b. cause of noncompliance;

c. the duration of the period of noncompliance and the anticipated time the condition of noncompliance is expected to continue;

d. steps taken by the permittee to reduce and eliminate the noncomplying discharge;

e. steps to be taken by the permittee to prevent recurrence of the condition of noncompliance;

f. a description of the accelerated or additional monitoring to determine the nature and impact of the noncomplying discharge; and

g. the results of the monitoring described in f. above.

2. Change in Discharge

The permittee shall report any anticipated facility expansions, production increases, or process modifications which will result in new, different or an increased discharge of pollutants by submitting a new application at least 180 days prior to the commencement of the changed discharge or, if such changes will not violate the effluent limitations specified in this permit, by providing prior written notice to the Department. Following such notice, the permit may be modified by the Department to specify and limit any pollutants not previously limited.

3. Facility Operation and Quality Control

All waste collection, control, treatment and disposal facilities shall be operated in a manner consistent with the following:

a. Facilities shall be operated efficiently to minimize upsets and discharges of excessive pollutants.

b. The permittee shall provide an adequate operating staff qualified to carry out operation, maintenance and testing functions required to ensure compliance with this permit. Superintendents and operators must be certified by the Board of Waterworks and Waste Systems Operators located at Montgomery Park Business Center, 1800 Washington

III. GENERAL CONDITIONS

Boulevard, STE- 410, Baltimore, Maryland 21230 in accordance with Title 12 of Environmental Article, Annotated Code of Maryland.

c. Facility maintenance work, which adversely affects or may adversely affect the discharge quality, shall be scheduled during non-critical water quality periods. The permittee shall follow the reporting procedures listed in General Condition III.B.1 of this permit, Noncompliance Notification.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of this State, human health or the environment resulting from noncompliance with any effluent limitations specified in this permit, and must perform accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypassing

Any bypass of treatment facilities is prohibited unless the bypass does not cause any violations of the effluent limitations specified in Special Condition II.A, and is for essential maintenance to assure efficient operation, or unless the permittee can prove that:

a. the bypass is unavoidable to prevent loss of life, personal injury, or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources; and

b. there are no feasible alternatives to the bypass; and

c. the Department receives notification pursuant to General Condition III.B.1 above. Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten days before the date of the bypass or at the earliest possible date if the period of advance knowledge is less than ten days; and

d. the bypass is allowed under conditions approved by the Department to be necessary to minimize adverse effects.

III. GENERAL CONDITIONS

6. Conditions Necessary for Demonstration of Upset

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;

b. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;

c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition III.B.1 above;

d. the permittee submitted, within five calendar days of becoming aware of the upset, documentation to support and justify the upset; and

e. the permittee complied with any remedial measures required to minimize adverse impact.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

7. Sewage Sludge Requirements

The permittee shall comply with all existing State and federal laws and regulations that apply to sewage sludge monitoring requirements and utilization practices, and with any regulations promulgated pursuant to Environment Article, Section 9-230 et seq. or to the Clean Water Act, Section 405 (d). The permittee is responsible for ensuring that its sewage sludge is utilized in accordance with a valid sewage sludge utilization permit issued by the Department. If the sludge is hauled out of the State for disposal, a transportation permit must be obtained from the Department.

8. Power Failure

The permittee shall maintain compliance with the effluent limitations and all other terms and conditions of this permit in the event of a reduction, loss or failure of the primary source of power to the wastewater collection and treatment facilities.

III. GENERAL CONDITIONS

9. Right of Entry

The permittee shall allow the Secretary of the Department, the Regional Administrator of the Environmental Protection Agency, and their authorized representatives, upon the presentation of credentials to enter upon the permittee's premises and:

a. to have access to and to copy any records required to be kept under the terms and conditions of this permit;

b. to inspect any monitoring equipment or monitoring method required in this permit;

c. to inspect any collection, treatment, pollution management, or discharge facilities required under this permit; or

d. to sample any discharge of pollutants.

10. Property Rights/Compliance With Other Requirements

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, invasion of personal rights, or any infringement of federal, State or local laws or regulations.

11. Reports and Information

a. Upon request, the permittee shall provide to the Department, within a reasonable time, copies of records required to be kept by this permit. The permittee shall also furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit; or to determine compliance with this permit.

b. All applications, reports or information submitted to the Department shall be signed and certified as required by COMAR 26.08.04.01 and 40 CFR 122.22.

c. Except for data determined to be confidential under COMAR 26.08.04.01, all data shall be available for public inspection at the Department and the Office of the Regional Administrator of the Environmental Protection Agency. Effluent data shall not be considered confidential.

III. GENERAL CONDITIONS

d. Environment Article, Section 9-343 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment for not more than six months or by both.

12. Transfer of Ownership or Control

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred automatically to another person only if:

a. the current permittee notify the Department, in writing, of the proposed transfer at least 30 days prior to the proposed transfer date;

b. the notice includes a written agreement between the existing permittee and a new permittee containing the specific date of proposed transfer of permit coverage, and of responsibilities and liabilities under the permit; and

c. neither the current permittee nor the new permittee receive notification from the Department, within 30 days of the Department's receipt of the agreement, of its intent to modify, revoke, reissue or terminate the existing permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 12(b) above.

13. New Effluent Standards

This permit shall be revoked and reissued or modified to meet any effluent standard, water quality standard or prohibition established under the Environment Article, the Clean Water Act, or regulations promulgated thereto, and the permittee shall be so notified.

14. Industrial Users

The permittee shall require all industrial users of the wastewater treatment facility to comply with user charges as established by the permittee, pursuant to Section 9-326(a)(i) of the Environment Article.

III. GENERAL CONDITIONS

15. Noncompliance

Nothing in this permit shall be construed to preclude the institution of any legal action for noncompliance with State, federal or local laws and regulations.

16. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action against the permittee or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or under the Environment Article.

17. Waterway Construction and Obstruction

The permit does not authorize the construction or placing of physical structures, facilities, debris, or the undertaking of related activities in any waters of this State including the 100 year flood plain.

18. Construction Permit

This permit is not a permit to construct. For a new facility, in order to make this permit valid, a construction permit shall be obtained to meet the requirements of COMAR 26.03.12.03(A) and Environment Article, Section 9-204(d).

19. Severability

If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from this permit.

C. Wastewater Collection System

This permit shall not authorize discharges from the wastewater collection system for this facility.

1. Reporting Requirements

Pursuant to Environment Article Sub title 9-331.1, the permittee must report sanitary sewer overflows (SSOs) which result in the direct or potential discharge of raw or diluted sewage into the surface waters or ground waters of the State to the Water Management Administration's Compliance Program. Such reports must be made via telephone as soon as practicable, but no later than 24 hours after the time that the permittee became aware of the event. Reportable SSOs include, but are not limited to, overflows into the surface of the ground, into

III. GENERAL CONDITIONS

waterways, storm drains, ditches or other manmade or natural drainage conveyances to surface or ground waters which are reasonably likely to reach waters of the State. Overflows that are wholly contained within buildings and not likely to discharge to waterways need not be reported. Treatment plant bypasses shall be reported under General Condition III.B.1. Telephone reports shall be made to (410) 537-3510 on weekdays between 8:00 a. m. and 5:00 p.m. After hours telephone notification shall be made to emergency response number at (866) 633-4686.

When the incident is reported to the Department, the following information needs to be included:

a. the location of the overflow, including city or county,

b. the name of the receiving water, if applicable;

c. an estimate of the volume of sewage discharged;

d. a description of the sewer system or treatment plant component from which the overflow was released (such as manhole, crack in pipe, pumping station wet well or constructed overflow pipe);

e. an estimate of the overflow's impact upon public health and to waters of the State;

f. the cause or suspected cause of the overflow;

g. the estimated date and time when the overflow began and stopped or the anticipated time the overflow is expected to continue;

h. if known at the time of reporting, the steps taken or planned to reduce, eliminate and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; (if unknown at the time the telephone report is made, the steps must be included in the written reports submitted under general conditions III.C.2).

i. if known at the time of reporting, measures taken or planned to mitigate the adverse impact of the overflow and a schedule of major milestones for those steps (if unknown at the time the telephone report is made, the steps must be included in the written reports submitted under general conditions III.D.2); and

j. whether there has already been a notification to the public and other City or County Agencies or Departments and how notification was done.

III. GENERAL CONDITIONS

2. Written Reports

Within 5 calendar days following telephone notification of the event, the permittee shall provide MDE with a written report regarding the incident that includes, at a minimum, the information cited above.

The permittee shall maintain copies of all overflow records and reports, work orders associated with investigation of overflows, a list and description of complaints from customers or others related to overflows (including backups of sewage in to houses or businesses), and documentation of performance and implementation measures for minimum period of three years and shall make this information available to MDE for review upon written request.

This wastewater collection system provision may be superseded by a general permit for collection systems, when such a permit is issued by MDE and the permittee have been accepted for registration under the permit.

D. Permit Expiration, Modification, or Revocation

1. Expiration of Permit

This permit and the authorization to discharge shall expire at midnight on the expiration date of the permit unless the permittee has submitted a timely and complete reapplication pursuant to Section II.I.

2. [Reserved.]

3. Permit Modification - Request of Responsible Permittee

A permit may be modified by the Department upon the written request of the permittee and after notice and opportunity for a public hearing in accordance with the provisions set forth in COMAR 26.08.04.10.

4. Permit Modification, Suspension, Revocation - Violation of Laws

A permit may also be modified, suspended or revoked by the Department, in the event of a violation of the terms or conditions of the permit, or of State or federal laws and regulations and in accordance with the provisions set forth in COMAR 26.08.04.10. This permit may be suspended or revoked upon a final, unreviewable determination that the permittee lacks, or is in violation of, any federal, state, or local approval necessary to conduct the activities authorized by this permit.

IV. CIVIL AND CRIMINAL PENALTIES

A. Civil Penalties for Violations of Permit Conditions

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed $32,500 per day for each violation.

B. Criminal Penalties for Violations of Permit Conditions

In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

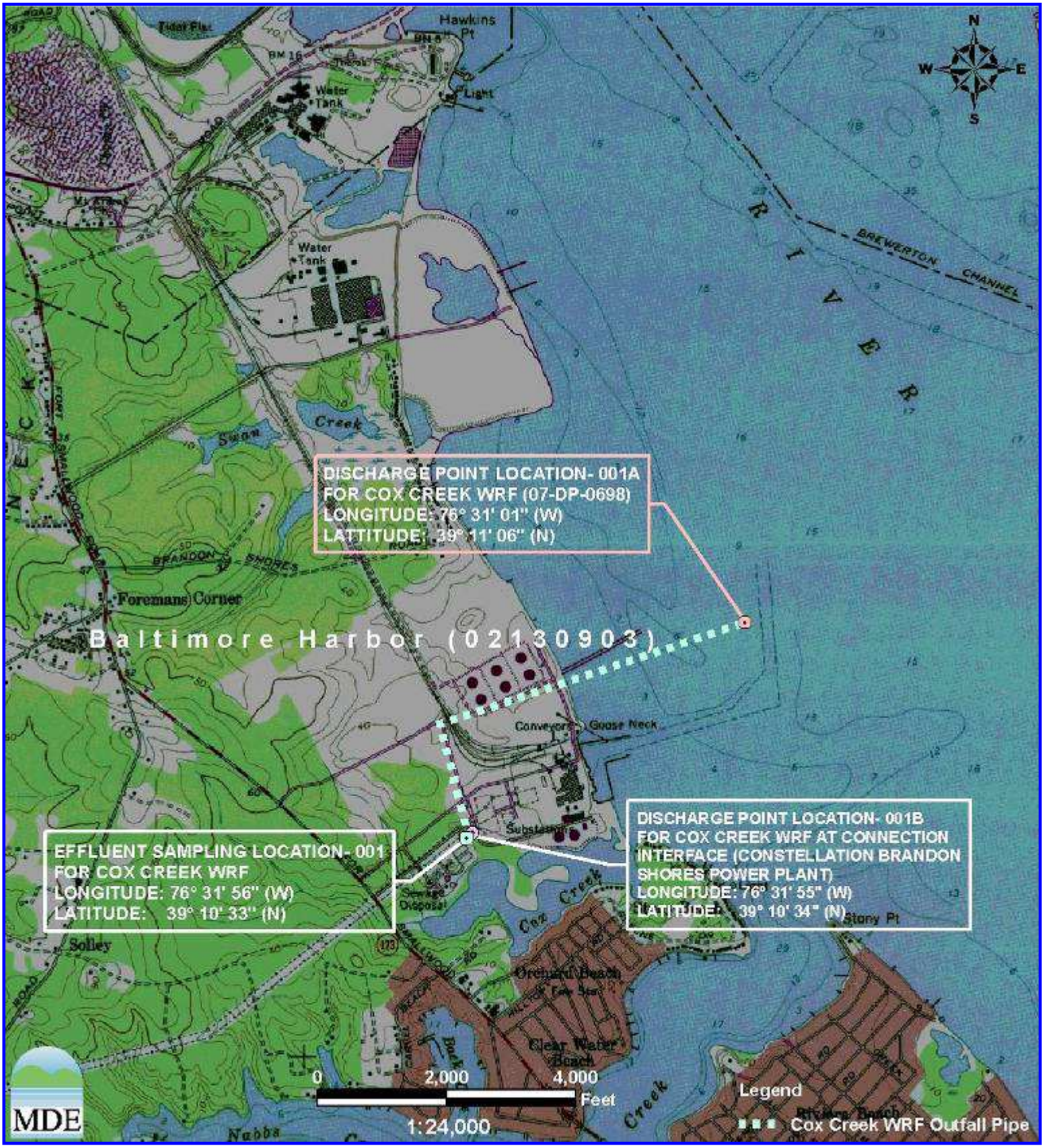
1. any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than $2,500 nor more than $27,500 per day of violation, or by imprisonment for not more than one year, or by both.

2. any person who knowingly violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three years, or by both.

3. any person who knowingly violates Section 301, 302, 306, 307, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both.

4. any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than $10,000 or by imprisonment for not more than two years, or by both.

V. MAP SHOWING EFFLUENT SAMPLING LOCATION AND DISCHARGE LOCATIONS



VI. NPDES PROGRAM

On September 5, 1974, the Administrator of the U.S. Environmental Protection Agency approved the proposal submitted by the State of Maryland for the operation of a permit program for wastewater discharges pursuant to Section 402 of the Clean Water Act.

Pursuant to the aforementioned approval, this discharge permit is both a State of Maryland discharge permit and an NPDES permit.

Jay G. Sakai, Director
Water Management Administration